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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 Universal Dyeing & Printing, Inc., a
California corporation,

12
13 Plaintiff,

14 v.

15 Extra Magni Wall, Inc., a Colorado
16 corporation; Mooxy Lifestyle Inc., a
17 Colorado corporation; and Does 1 through
18 10,

19 Defendants.

Case No.:

PLAINTIFF'S COMPLAINT FOR
COPYRIGHT INFRINGEMENT

Jury Trial Demanded

20
21 Plaintiff Universal Dyeing & Printing, Inc. ("UDP" or "Plaintiff"), through
22 counsel, hereby prays to this honorable Court for relief based on the following:

23 **JURISDICTION AND VENUE**

24 1. This action arises under the Copyright Act of 1976, 17 U.S.C. § 101,
25 *et seq.*

26 2. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331,
27 1338(a)-(b).
28

1 3. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(c)
2 and 1400(a) in that this is the judicial district in which a substantial part of the acts
3 and omissions giving rise to the claims occurred.

4 **PARTIES**

5 4. UDP is a California corporation.

6 5. Upon information and belief, Plaintiff alleges that Defendant Extra
7 Magni Wall, Inc. (“EMW”) is a Colorado corporation with its principal place of
8 business at 2555 N. Clarkson St., Denver, CO 80205. EMW sold the Accused
9 Products (defined below) to a resident of this judicial district (i.e., Plaintiff), and
10 shipped the Accused Products into this judicial district.

11 6. Upon information and belief, Plaintiff alleges that Defendant Extra
12 Mooxy Lifestyle Inc. (“MLI”) is a Colorado corporation with its principal place of
13 business at 8340 Northfield Blvd., Denver, CO 80230. MLI sold the Accused
14 Products (defined below) to a resident of this judicial district (i.e., Plaintiff), and
15 shipped the Accused Products into this judicial district.

16 7. Upon information and belief, Plaintiff alleges that Defendants Does 1
17 through 10 (collectively, “DOE Defendants”) (altogether with EMW and MLI,
18 “Defendants”) are other parties not yet identified who have infringed Plaintiff’s
19 copyrights, have contributed to the infringement of Plaintiff’s copyrights, or have
20 engaged in one or more of the wrongful practices alleged herein. The true names,
21 whether corporate, individual, or otherwise, of DOE Defendants are presently
22 unknown to Plaintiff, who therefore sues said DOE Defendants by such fictitious
23 names, and will seek leave to amend this Complaint to show their true names and
24 capacities when same have been ascertained.

25 8. Upon information and belief, Plaintiff alleges that each of the
26 Defendants was the agent, affiliate, officer, director, manager, principal, alter-ego,
27 and/or employee of the remaining Defendants, and was at all times acting within
28 the scope of such agency, affiliation, alter-ego relationship, and/or employment;

1 and actively participated in, subsequently ratified, and/or adopted each of the acts
2 or conduct alleged, with full knowledge of each violation of Plaintiff's rights and
3 the damages to Plaintiff proximately caused thereby.

4 **CLAIMS RELATED TO UDP'S SUBJECT DESIGN**

5 9. Plaintiff owns an original two-dimensional artwork that is used for
6 textile printing, entitled UA16033, and registered with the U.S. Copyright Office
7 under Reg. Nos. VA 1-822-420 ("Subject Design").

8 10. Plaintiff widely disseminated the Subject Design to numerous parties
9 in the fashion and apparel industries.

10 11. Following Plaintiff's display, distribution, and publication of the
11 Subject Design, Defendants, and each of them, created, manufactured, distributed,
12 advertised, marketed, promoted, offered for sale, sold, displayed, published,
13 reproduced, created derivative works, and/or otherwise used fabric and/or garments
14 featuring a design that is strikingly and/or substantially similar to the Subject
15 Design without license, authorization, or consent from Plaintiff (collectively, the
16 "Accused Products"). Representative examples of the Subject Design and Accused
17 Products are below:

18 ///

19 ///

20 ///

21 ///

Subject Design	Accused Products
 <p data-bbox="422 777 576 819">UA16033</p>	 

Subject Design	Accused Products
	 

12. In March and April 2022, Plaintiff sent correspondence to EMW and MLI requesting that they cease-and-desist from their uses of the Accused Products and provide Plaintiff with information regarding those uses so the parties could explore an amicable, pre-litigation resolution. EMW and MLI failed to respond, necessitating this action.

FIRST CLAIM FOR RELIEF

(For Copyright Infringement - Against All Defendants, and Each)

13. Plaintiff incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

14. Upon information and belief, Plaintiff alleges that Defendants, and each of them, had access to the Subject Design, including through (a) Plaintiff's showroom and/or design library; (b) illegally distributed copies of the Subject Design by third-party vendors and/or DOE Defendants (e.g., international and/or overseas converters and printing mills); (c) Plaintiff's strike-offs and samples; and/or (d) garments in the marketplace manufactured with lawfully printed fabric bearing the Subject Design.

15. Upon information and belief, Plaintiff alleges that one or more of the Defendants is a garment manufacturer and/or vendor; that said Defendant(s), and each of them, has/have an ongoing business relationship with Defendant retailers, and each of them; that said Defendants supplied garments, including the Accused Products, to said Defendant retailers; and that said Defendant retailers used the Accused Products as alleged above.

16. Due to Defendants', and each of their, acts of copyright infringement, Plaintiff has suffered damages in an amount to be established at trial.

17. Due to Defendants', and each of their, acts of copyright infringement, Defendants, and each of them, have obtained profits they would not have realized but for their infringement of the Subject Design. As such, Plaintiff is entitled to disgorgement of Defendants' profits attributable to their infringement of the Subject Design in an amount to be established at trial.

18. Upon information and belief, Plaintiff alleges that Defendants, and each of them, have committed copyright infringement with actual or constructive knowledge, or in reckless disregard, of Plaintiff's copyrights in the Subject Design,

1 such that said acts of copyright infringement were, and continue to be, willful,
2 intentional, and malicious.

3 **PRAYER FOR RELIEF**

4 Wherefore, Plaintiff prays for judgment as follows:

- 5 a. That Defendants, each of them, their respective agents, and anyone
6 working in concert with Defendants and/or their agents, be enjoined
7 from importing, manufacturing, distributing, offering for sale, selling,
8 or otherwise trafficking in any product that infringes Plaintiff's
9 copyrights in Subject Design, including the Accused Products;
- 10 b. That Plaintiff be awarded all Defendants' profits, plus all Plaintiff's
11 losses, attributable to Defendants' infringement of Plaintiff's
12 copyrights in the Subject Design; or alternatively, if elected, statutory
13 damages under 17 U.S.C. § 504;
- 14 c. That Plaintiff be awarded its attorneys' fees under 17 U.S.C. § 505;
- 15 d. That Plaintiff be awarded pre-judgment interest as allowed by law;
- 16 e. That Plaintiff be awarded the costs of this action; and
- 17 f. That Plaintiff be awarded such further legal and equitable relief as the
18 Court deems proper.

19 Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ.
20 P. 38 and the 7th Amendment to the United States Constitution.

21
22 Dated: July 20, 2022

DONIGER/BURROUGHS

23 By: /s/ Stephen M. Doniger
24 Stephen M. Doniger, Esq.
25 Trevor W. Barrett, Esq.
26 Benjamin F. Tookey, Esq.
27 *Attorneys for Plaintiff*
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